

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

TEXAS EASTERN TRANSMISSION, LP,

Plaintiff,

vs.

Civil Action 2:14-cv-336  
Judge Frost  
Magistrate Judge King

LANA J. BARACK, et al.,

Defendants.

ORDER AND  
REPORT AND RECOMMENDATION

On May 28, 2014, this Court ordered defendants to show cause, no later than June 6, 2014, why their default should not be entered for failure to respond to the *Complaint* and for failure to appear at the scheduled preliminary pretrial conference. *Order*, Doc. No. 11. Defendants have not responded to that *Order*.

It therefore appears that defendants have abandoned the defense of this litigation and have failed to comply with the *Order* of this Court.

It is therefore **RECOMMENDED** that the Clerk enter the fact of defendants' default.

Plaintiff is **DIRECTED** to file, within thirty (30) days, a motion for default judgment, supported by appropriate evidentiary materials.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part

thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

s/ Norah McCann King  
Norah McCann King  
United States Magistrate Judge

June 9, 2014  
Date